

REMARKS

Claims 13-24 stand newly rejected under 35 U.S.C. 103(a) as being unpatentable over US patent application publication No. 2003/0108154 (hereinafter Schmitt) in view of US patent application publication No. 2004/0264626 (hereinafter Besson). A rejection under 35 U.S.C. 112, second paragraph is noted in connection with independent claim 20 and claims depending from such a claim. Applicant respectfully requests reconsideration of the rejections, and further requests allowance of the pending claims in view of the foregoing amendments and the following remarks.

Claims 1-12 were previously canceled. Thus, claims 13-24 are presently pending.

With respect to the rejections under 35 U.S.C. 112, second paragraph, applicant believes that there is nothing indefinite in connection with the clause "thereby circumventing a direct selecting by the user from the plurality of standard set parameter sets" and such a clause would be reasonably understood by one skilled in the art. However, in the spirit of simplifying the issues and avoiding protracted prosecution, the above-noted clause has been deleted from independent claim 20. Consequently, this basis of rejection should be withdrawn.

With respect to the rejections of claims 13-24 under 35 U.S.C. §103(a), Besson is used as one of the references applied to reject claims. However, based on dates alone, Besson is not a proper reference against the present invention. More particularly, the present application claims priority from German application No. DE 10327294.1 filed on June 17, 2003, and consequently the effective filing date of the present application antedates (i.e., is earlier than) any priority date that Besson may be entitled to. Therefore, under the applicable statutes, Besson is not a permissible reference against the present invention and this basis of rejection should be withdrawn.

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Conclusion

It is respectfully submitted that each of the claims pending in this application recites patentable subject matter and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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